



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/254,515	04/15/81	CHENARD	J 5K(1543)BK

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EXAMINER	
NGREYV	
ART UNIT	PAPER NUMBER
143	10

DATE MAILED:

04/11/83

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

*time limit*  
A shortened ~~statutory~~ period for response to this action is set to expire ONE month, 1 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice re Patent Drawing, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449
- ☐ Notice of informal Patent Application, Form PTO-152
- ☐ Information on How to Effect Drawing Changes, PTO-1474
- ☐ \_\_\_\_\_

Part II SUMMARY OF ACTION

- ☒ Claims 60 to 71 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
- ☐ Claims \_\_\_\_\_ have been cancelled.
- ☐ Claims \_\_\_\_\_ are allowed.
- ☒ Claims 60 to 71 are rejected.
- ☐ Claims \_\_\_\_\_ are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
- ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
- ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

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The six months suspension of prosecution instituted in paper no. 9 dated September 29, 1982 having elapsed, prosecution of this application is being resumed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

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are  
Claims 60-71, rejected under 35 U.S.C. 102(g)  
as being fully met by Kugele et al.

Although applicants' effective filing date precedes that of the patent, since 35 U.S.C. 101 precludes the issuance of more than one patent having claims drawn to the same invention, an interference must be declared to determine who is the first inventor. MPEP 1101.02(b).

Patentee's claims are drawn to a stabilizer composition (claims 1-32, 36 and 37), a halogen-containing polymer stabilized therewith (claim 33) and a method of effecting same (claim 34) as well as an article of manufacture (claim 35).

The stabilizer is comprised of an organotin compound and a carboxylic acid of a mercapto containing alcohol, optionally with an organotin halide. The halogen-containing polymer treated may be polyvinyl chloride. Applicants corresponding claims are method claims 60-66 and stabilized vinyl chloride polymer composition claims 67-71 containing the same classes of compounds.

Applicant is advised to copy all claims that his application can support and indicate the location in the specification for the terminology employed.

Applicants Should Make The Claims Within ONE MONTH From The Date Of This Letter. FAILURE TO DO SO

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WILL BE CONSIDERED A DISCLAIMER OF THE SUBJECT MATTER  
INVOLVED UNDER THE PROVISIONS OF 37 CFR 1.203 and  
1.204.

V. Hoke/scg

703-557-3804

4-6-83

  
VERONICA P. HOKE  
PRIMARY EXAMINER  
ART UNIT 143